

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

MVT ENTERPRISES, INC. and
MVT SERVICES, LLC,

Plaintiff,

v.

Civ. No. 18-676 PJK/GJF

COMDATA NETWORK, INC., and COMDATA, INC.
d/b/a COMDATA PAYMENT INNOVATION,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court upon review of the record. On July 16, 2018, Defendants Comdata Network, Inc. and Comdata, Inc. filed their Notice of Removal. ECF No. 1. There is no indication in the record that Defendants filed answers in state court before removing this case. *See* ECF No. 2, Notice of Removal (and attachments). Furthermore, since removing this case to this Court, Defendants have not filed answers within the time allotted under Federal Rules of Civil Procedure 12(a)(4) or 81(c).¹

Consequently, the Court **ORDERS** Defendants to **SHOW CAUSE**, in writing, not later than November 5, 2018, as to (1) why the Clerk of Court should not enter default pursuant to Federal Rule of Civil Procedure 55(a), (2) this case should not be remanded back to state court for failure to timely answer, or (3) the Court should not impose some other appropriate sanction.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE

¹ The Court notes that Defendants' Motion to Dismiss for Improper Venue [ECF No. 5] was denied on September 17, 2018, some six weeks ago. *See* Order, ECF No. 15.